

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano

City Council Agenda January 26, 2016 7:00 P.M.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Councilwoman Garcia-Martinez

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

1. Announcement of Amendments/Corrections to the Agenda –
2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on January 12, 2016. (OFFICE OF THE CITY CLERK)
- B. Proposed resolution approving the expenditure totaling an amount not to exceed \$13,118.86 from the Law Enforcement Trust Fund-*State* to purchase five hundred and thirty Taser Cartridges from Taser International, a sole source vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- C. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Visualscape, Inc., for the service of removing all trees, palms and shrubs on the canal bank along West 68 Street, in a total cumulative amount not to exceed \$27,000. (STREETS DEPT.)
- D. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Williams Paving Co., Inc., vendor providing the lowest quotation, for asphalt repairs to West 68 Street from West 28th Avenue to West 24th Avenue, in a total cumulative amount not to exceed \$98,442.00 (STREETS DEPT.)
- E. Request permission to utilize Miami-Dade County Contract # 20120032, and issue a purchase order to Williams Paving Co., Inc., for lighting and area improvements to West 17th Court, in a total cumulative amount not to exceed \$208,471.60. (STREETS DEPT.)
- F. Request permission to utilize Florida Sheriff s Association & Florida Association of Counties Bid # 15-23-0904, Specification # 51, and issue a purchase order to Alan Jay Automotive Management, Inc., to purchase six (6) 2016 Chevrolet Silverado 2500 HD ¾ Ton Pickup Truck – 4X2, in a total cumulative amount not to exceed \$214,309.50. (STREETS DEPT.)
- G. Request permission to issue a purchase order to SRS Engineering, Inc., one of the engineering companies approved by the City Council on June 8, 2010 pursuant to Request for Qualifications 2009/10-9500-00-007-*General Consultants for Engineering and Architectural Services*, for the design of roadway and drainage improvements to NW 142nd Street between NW 97th Avenue and NW 107th Avenue, in a total cumulative amount not to exceed \$166,700. (STREETS DEPT.)
- H. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is familiar with the requirements of the Department of Public Works, and increase purchase order # 2016-884, issued to Culmin Staffing Group, Inc, by an additional amount of \$35,000, for a new total cumulative expense amount not to exceed \$50,000. (DEPT OF PUBLIC WORKS)
- I. Request permission to participate in the Hole-in-the-Donut Wetland Restoration and Mitigation, since it is advantageous to the City in that the Hole-in-the-Donut Wetland Restoration and Mitigation will provide environmental credit for 5.92 acres of Palustrine Emergent wetland, which will have unavoidable wetland impacts caused by the Hialeah Reverse Osmosis Water Treatment Plant. Further request permission to issue a purchase order to the National Park Foundation, for undertaking the areas of restoration and performing other attendant activities such as, but not limited to, the monitoring of restoration and maintenance of restored wetlands

(wetland mitigating fee), in a total cumulative amount not to exceed \$75,636.89. (DEPT. OF PUBLIC WORKS)

- J. Report of Scrivener's Error – Resolution No. 2015-16, approved during the City Council Meeting of January 27, 2015, was approved with the incorrect termination date of term– *February 14, 2018*. This Resolution is being amended to reflect the correct termination date of term as February 14, 2020, in accordance with section 421.05 of the Florida Statutes, which provides that each commissioner shall be appointed for a term of four years. Mr. Mario Diaz's reappointment to the Board of Commissioners of Housing Authority commenced on February 14, 2016 and ends on February 14, 2020. (OFFICE OF THE CITY CLERK)
- K. Proposed resolution supporting Miami-Dade County's resolution urging President Obama's Administration to refrain from establishing a Cuban Consulate in Miami-Dade County; providing for an effective date. (COUNCIL PRESIDENT GONZALEZ)
- L. Report of Scrivener's Error – Ordinance No. 08-33, approved during the City Council Meeting of April 22, 2008, was approved with the incorrect legal description – *The East 20 feet of Lot 11 and all of Lot 12, Block 35B, of the Amended Plat of the Amended Plat of the Thirteenth Addition to Hialeah, according to the Plat thereof, as recorded in Plat Book 34, Page 26, of the Public Records of Miami-Dade County, Florida*. This ordinance is being amended to reflect the correct legal description:

The East 20 feet of Lot 11 and all of **Lots 12, 13, 14, and 15**, Block 35B, of the Amended Plat of the Amended Plat of the Thirteenth Addition to Hialeah, according to the Plat thereof, as recorded in Plat Book 34, Page 26, of the Public Records of Miami-Dade County, Florida. (LAW DEPT. AND ZONING DEPT.)
- M. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2016-135, issued to Trimline Graphics International, Inc., to purchase and apply decals for the City of Hialeah vehicles, by an additional amount of \$30,000, for a new total cumulative expense amount of \$45,000. (FLEET MAINTENANCE DEPT.)
- N. Request permission to issue a purchase order to Florida Bullet Incorporated, sole source vendor of Speer Brand law enforcement ammunition, to purchase ammunition for training, officer certifications, and for the S.W.A.T. Team, in a total cumulative amount not to exceed \$30,000. (POLICE DEPT.)
- O. Request permission to utilize State of Florida Contract # 2201000-15-1, and issue a purchase order to Bobcat Company, to purchase a E26 T4 Bobcat Compact Excavator with Hydraulic Clamp, Operator Training Kit, Service Safety Training Kit X-Change Auger Interface and 16" and 20" Standard Duty Buckets, Class 2, in a total cumulative amount not to exceed \$28,483.23. (PARKS & RECREATION DEPT.)
- P. Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid # 15-13-0904, Specification # 61, and issue a purchase order to Vermeer Southeast Sales & Service Inc., to purchase a 2016 Vermeer Brush Chipper – Trailer Mounted, in a total cumulative amount not to exceed \$23,198. (STREETS DEPT.)

- Q. Report of the Selection Committee – Request for Qualifications for Sidewalk and Guardrails Improvements on West 28th Avenue from West 52nd to 80th Street (Consultants for Engineering). The Selection Committee selects The Corradino Group. (ADMINISTRATION)
- R. Request permission to issue a purchase order to The Corradino Group, Inc., the company recommended by the committee members of the Selection Committee for Request for Qualifications No. 2014-15-3210-00-003-*Sidewalk and Guardrails Improvements on West 28th Avenue from West 52nd to 80th Street (Consultants and Engineers)*, for the services of obtaining the appropriate survey, soil information and obtaining DERM approval, in a total cumulative amount not to exceed \$39,470. (STREETS DEPT.)
- S. Proposed resolution approving and ratifying the renewal of Health Insurance Coverage for the Open Access Health Maintenance Organization (HMO) Plan with Coventry Health Care, an AETNA Company, and offer an optional Medicare ESA PPO Plan with AETNA Healthcare for calendar year 2016 for an annual estimated total of \$7,500,000.00; and further authorizing the Mayor or his designee on behalf of the City of Hialeah to execute all agreements and necessary documents in furtherance thereof. (RISK MANAGEMENT DEPT.)
3. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled “Zoning”, Article 5 Zoning District Regulations, Division 33. NBD Neighborhood Business District of the Code of Ordinances of the City of Hialeah, and in particular amending Hialeah Code § 98-1627 adding the Industrial Land Use Classification as part of the criteria; amending Hialeah Code § 98-1628 to include the definition of Work/Live Unit; amending Hialeah Code § 98-1630.1 to include Work/Live Units as a permitted use; amending Hialeah Code § 98-1630.2 to include Professional Uses as a permitted use on the Ground Level of a Mixed-Use Building; amending § 98-1630.8 to allow the expansion of NBD Overlay District Regulations to properties abutting a frontage road along expressways and highways in the City and properties having an Industrial Land Use Classification; further amending Article 6. Supplementary District Regulations, Division 10 Parking, and in particular, revising Hialeah Code § 98-2189 entitled “Minimum Required Off-Street Parking Spaces” to include Parking Requirements for Work/Live Units within the NBD Neighborhood Business District; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; providing for an effective date. (ADMINISTRATION)

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| <i>Item was approved by City Council on first reading on January 12, 2016.</i> |
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| <i>Item was postponed by the administration on December 8, 2015 due to notice requirements.</i> |
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| <i>Item was approved by City Council on first reading on November 24, 2015.</i> |
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| <i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i> |
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4. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled “Zoning”, Article 5. Zoning District Regulations, Division 35. Alwod Artist Live/Work Overlay District of the Code of Ordinances of the City of Hialeah, and in particular, adding a new Section 98-1630.22 entitled “Alcoholic Beverage Regulations”, creating an exemption for establishments selling, serving or permitting consumption on the premises of alcoholic beverages

from the distance separation requirements; allowing the sale of alcoholic beverages from 8:00 a.m. to 3:00 a.m.; requiring a Conditional Use Permit and providing for Conditional Use Permit Application Requirements and Standards of Review; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; providing for an effective date. (ADMINISTRATION)

Item was approved by City Council on first reading on January 12, 2016.

Item was postponed by the administration on December 8, 2015 due to notice requirements.

Item was approved by City Council on first reading on November 24, 2015.

Item was approved by the Planning and Zoning Board on November 18, 2015.

5. Second reading and public hearing of proposed ordinance amending Chapter 70 entitled "Retirement and Pensions", Article 7. Elected Officials, of the Code of Ordinances, and in particular, to revise language in order to comply with changes in federal law to become a Qualified Retirement Plan pursuant to the Internal Revenue Code by amending definitions, adding a new section, Hialeah Code § 70-59 entitled "Military Service", and adding an new division, Division 5 entitled "Federal Tax Provisions", comprising of a new section, Hialeah Code § 70-596 entitled "Federal Tax Provisions Applicable to this Plan" in furtherance thereof; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

Item was approved by City Council on first reading on January 12, 2016.

6. Board Appointments –
7. Unfinished Business –
8. New Business –
9. Comments and Questions –

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1.** First reading of proposed ordinance granting a Conditional Use Permit (CUP) for the operation of an existing hospital, Palmetto General Hospital pursuant to Hialeah Code §98-181(2)(e), on

property zoned GU (Governmental Use). **Property located at 2001 West 68 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Ana Mederos)

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| <i>Registered Lobbyist: Mark Eichards, ALCP</i> |
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| <i>Item was approved by the Planning and Zoning Board on January 13, 2016.</i> |

- PZ 2.** First reading of proposed ordinance granting a Variance Permit to allow a Duplex on a substandard-sized lot having a frontage of 50 feet, where at least 75 feet are required, and a total area of 5,550 square feet, more or less, where a total area of at least 7,500 square feet is required, contra to Hialeah Code § 98-544. **A vacant lot located at 2210 West 5 Way, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Francisco Vasallo & Maribel Vasallo.)

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| <i>Registered Lobbyist: Fred Endara</i> |
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| <i>Item was approved by the Planning and Zoning Board on January 13, 2016.</i> |

LAND USE AMENDMENTS

- LU 1. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Transportation and Utilities to High Density Residential; **property located at 1298 West 69 Street, Hialeah, Florida**, zoned R-3-5 (Multiple Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Alejandro Vilarello, PA on behalf of Contract Purchaser: BF Group I, LLC)

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| <i>Item was approved by City Council on first reading on January 12, 2016.</i> |
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| <i>Item was approved by the Planning and Zoning Board on December 9, 2015</i> |

- LU 2. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Industrial to High Density Residential; **property located at a vacant parcel lying on the north side of West 78 Road between Red Road and West 2nd Court, Hialeah, Florida**, zoned M-1 (Industrial District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Alejandro Vilarello)

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| <i>Item was approved by City Council on first reading on January 12, 2016.</i> |
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| <i>Item was approved by the Planning and Zoning Board on December 9, 2015</i> |

- LU 3. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Low Density Residential to Residential Office; **property located at 420 West 65 Street, Hialeah, Florida**, zoned R-1 (One-Family District); repealing all ordinances or parts of

ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Nataly Santos*)

Item was approved by City Council on first reading on January 12, 2016.

Item was approved by the Planning and Zoning Board on December 9, 2015

- LU 4. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Low Density Residential to Office and Professional Services; **property located at 791 East 23 Street, Hialeah, Florida**, zoned R-1 (One-Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Ceasar Mestre, Esq.*)

Item was approved by City Council on first reading on January 12, 2016.

Item was approved by the Planning and Zoning Board on December 9, 2015

- LU 5. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Industrial to Transit Oriented Development; **property located at 2701 – 2765 East 11 Avenue, Hialeah, Florida**, zoned M-1 (Industrial District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Juan Mayol, Jr., Esq. on behalf of A&B 2701 Investment, LLC*)

Item was approved by City Council on first reading on January 12, 2016.

Item was approved by the Planning and Zoning Board on December 9, 2015

- LU 6. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Low Density Residential to Commercial; **property located at 40 East 10 Avenue, Hialeah, Florida**, zoned R-2 (One and Two Family Residential District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Felix M. Lasarte*)

Item was approved by City Council on first reading on January 12, 2016.

Item was approved by the Planning and Zoning Board on December 9, 2015

NEXT CITY COUNCIL MEETING: Tuesday, February 9, 2016 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 23, 2016 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).